

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

CASE NO. 05-10019-RGS

DANIEL W. McELROY,)
AIMEE J. KING McELROY, and)
XIEU VAN SON)

**MOTION OF DEFENDANTS, DANIEL W. MCELROY AND
AIMEE J. KING MCELROY, TO SUPPRESS EVIDENCE SEIZED PURSUANT
TO A SEARCH WARRANT DATED JUNE 25, 2001**

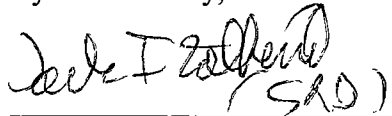
Defendants, Daniel W. McElroy ("Mr. McElroy") and Aimee J. King McElroy ("Ms. King") move this Court to suppress the evidence seized pursuant to a search warrant dated June 25, 2001 and all fruits derived therefrom because there was insufficient probable cause to issue the warrant. Specifically, the affidavit in support of the warrant to search the second floor of 14 E, G Bristol Drive, South Easton, Massachusetts was insufficient to support a probable cause determination because it relied on information that was unconstitutionally stale. In further support of this Motion, Mr. McElroy and Ms. King incorporate their Memorandum of Law filed simultaneously herewith.

Respectfully submitted,

AIMEE J. KING McELROY

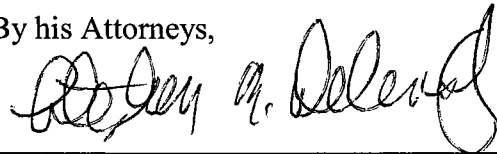
DANIEL W. McELROY

By her Attorney,



Jack I. Zalkind(BBO #538840)
One International Place, 18th Floor
Boston, Massachusetts 02110
Telephone: (617) 227-3950
Facsimile: (617) 342-6899

By his Attorneys,



Stephen R. Delinsky (BBO #119120)
Andrew R. McConville (BBO #632804)
ECKERT, SEAMANS, CHERIN & MELLOTT, LLC
One International Place, 18th Floor
Boston, Massachusetts 02110
Telephone: (617) 342-6800
Facsimile: (617) 342-6899

DATED: June 30, 2005